# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Steven D. Cheng

Confirmation No. 2953

Serial No.: 10/811.187

Group Art Unit: 2681

Examiner: Portis, Shantell L.

Filed: March 26, 2004

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For: Call Processing System

TKHR Ref. 250210-1090 Top-Team Ref. 0535-A20227US

## DECLARATION OF Hsin-Che Hsieh PURSUANT TO 37 CFR 1.131

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

- I <u>Hsin-Che Hsieh</u> am an employee of the legal department of BenQ Corporation, and has been responsible for the filing and prosecution of the patent application No. 10/811,187 and have relevant knowledge of the facts described hereinafter.
- Steven D. Cheng, was an employee of BenQ Corporation, am the inventor of the subject matter disclosed and claimed in Serial No. 10/811,187 (hereafter the "187 application").
- I am advised that claims of the '187 application has been rejected by the U.S. Patent & Trademark Office, based on teachings from U.S. published application 2005/0202799, which was filed on March 11, 2004 (hereafter "the '799 application).
- 4. I am further advised that this '799 application is not proper "prior art" to the invention of the '187 application, if the presently claimed invention was "invented" before the filing date of the '799 application.

- 5. In this regard, I am further advised that the present invention was "invented" before the filing date of the '799 application if it was conceived before the filing date of the '799 application and diligently pursued until reduced to practice (or until the present application was filed). As I understand this legal standard, I submit that the '799 application should not be "prior art" to the claims of my '187 application.
- 6. In this regard, prior to August 15, 2003, Mr. Cheng conceived the subject matter of the '187 application and finished the disclosure of this invention on August 15, 2003. This disclosure of invention was approved by his supervisor and was transmitted from his working site in San Diego to BenQ's wireless department in Taiwan on August 19, 2003, for the purpose of initiating the process of preparing the filing the present patent application.
- 7. Mr. Cheng's application was approved by the executive of the wireless department on August 20, 2003 and sent to the legal department on August 21, 2003. This application was then sent to a patent firm in Taiwan for the preparation of the draft specification on November 20, 2003. The draft specification and drawings were prepared and sent to Mr. Cheng for review on February 4, 2004. Mr. Cheng finished the review of the draft specification and executed the declaration on February 26, 2004. The executed declaration and the draft application was sent back to the Taiwan patent firm on March 12, 2004 and was sent to the US attorney on March 19, 2004, and was thereafter filed on March 26, 2004. I therefore declare that Mr. Cheng conceived the invention claimed in this application prior to the reference date of '799 application and was reasonably diligent in reducing the invention to practice from the conception to the filing of this application.
- 8. As evidence of the early conception and diligence until this application was filed with the U.S. PTO, attached hereto as Exhibit A is a document showing the date of disclosure, the date of the disclosure received by the wireless department, and the date of receiving of the document of the legal department. Exhibit B is document showing when the disclosure was received by the Taiwan patent firm. Exhibit C is a cover page of a dated e-mail transmitting the draft specification to the inventor for his review. Exhibit D is a cover page of a dated e-mail showing when the executed declaration and draft application papers was sent back to the Taiwan patent firm. Exhibit E is a copy of the declaration.

Exhibit F is a copy of the filing order showing the date the application was sent out to the US attorney from the Taiwan patent firm

 Finally, I am executing this declaration on behalf of Mr. Cheng, as Mr. Cheng is no longer employed by BenQ and is therefore not available to review and sign this declaration. I do, however, have director or reliable knowledge of all of the facts set forth herein.

I hereby declare: (a) that all statements made herein of my own knowledge are true; (b) that all statements made on information and belief are believed to be true; (e) that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and (d) that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

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# 明基電通 Beng Corporation

約30,000

• 創作名稱: The Efficient Emergency Call (911) call processing System for mobile Users
● 工程備忘錄冊號:
<ul><li>● 發明人親自簽名及基本資料(英文姓名應與護照相同・假使關位不夠,請填在附件中):</li></ul>
1. 中文: <u>程德郑</u> 英文: <u>Steven D. Chene</u> 身分證字號: <u>A120251764</u> E-mail : <u>scheng@BenQ.com</u> Social Security ID: <u>991-72-6652</u>
<u> </u>
● 與公司產品或製程的相關性(請寫出產品名稱及其型號):_all the GSM/CDMA related products
● 本技術預定最早公開於: 年 月日 地點:
(主) 从 <u>在宣传</u> (1) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
2. 缺已提供之前来資料外,發明人並不知道其他可能會阻礙此創作得到導利之任何資料。 ——2023 2. 缺已提供之前來資料外,發明人並不知道其他可能會阻礙此創作得到導利之任何資料。
● 整明人已檢索造下列網站(籍至少勾達一個網站),並無發現相同的專利存在: □ 歐洲專利局:http://ep.espacenot.com/ (可檢索歐盟、美國、日本及PCT專利)
n/ 美國塞利爾標局:http://www.ilspto.gov/patfl/(可檢案美國專利)
□中華民國專利公報資料庫:http://twp.apipa.org.tw/(可檢索中華民國專利公報)
使用的關鍵字:GPS, RSSI, Power measurement, location services 相關專利號碼:
● 専利申請國家(由主管勾選):
自中華民國 64 中國大陸 64 美國 (明嘉亨利申請原則: 底至少包含左列三國,若欲更改左列申請國家,請更改者簽名確認:
<ul><li>○ 徳國 □ 英國 □ 法國 (若歐洲國家欲申請3個以上・則請申請散盟專利・並請於「其他國家」指定第4個以上之歐洲國家)</li></ul>
(若歐洲國家欽中語3個以上,則語中訴訟與各利,並關於 英语超级 ] 18/23 18
PCT(可同時取得100多個國家的專利申請日,且可於三十個月內,依據國際檢索報告以及初步審查報告、
多名其他國家審查結果,決定繼續進行哪些國家的專利申請案。 <u>請注意,仍帶負擔各國專利申請費用</u> )

Jahibe K A BEND WTC

法務人員戳印及記錄 處級主管簽核 部門主管簽核 (諸加註日期) (諸加註日期) 號 A03484 TW 口酸明 口新型 申 醋 CN □酸明 □新型 類 JP □發明 □新型 DE □發明 □新型 其他:

以下完全的专利中的用面之为的复数。《下巴的文章》(1997年), 1997年, 1997 約110,000

約80,000

約160,000 初期約120,000

\*\*以下爲各國專利申請所需之約估費用,不包括後續之答辯、銀證及維持年費等費用。

約45,000

主旨:

FW: WTC patent document for Irwin to sign

Dear Celine

From now on, WTC needs your help to pass our patent documents to Irwin and have him to sign for us. Let me explain it as follows:

each patent document needs to have the author's boss and boss's boss to sign. It happens to be that my boss, huiya, her boss is Irwin. We used to have Alex/Tengito pass the patent documents to Irwin, but Alex is not without to provide this service as shown in the appended e-mail. Alex Teng is one of the patent engineers, but not working for wireless divisions; Jackey Hsieh is our patent engineer, but his office is in Tao-Yuan, not Taipei. Jackey is on the offsite training and will not be back until November. Once Irwin signs the document, this document needs to pass to William Chiang (the head of patent group) for further processing.

Please let us know your fax number, so I can fax the patent application form to you and then you can help us to pass it to Irwin to sign. I will also e-mail to patent document to you at the end of this e-mail, and you need to print it out for us, so Irwin can review it and then sign the patent application form.

If you have any question, please contact Hui-ya or me.

Best Regards,

Steven Cheng 8811 x 152



patent20.doc

---Original Message---

From: Alex Tena

Sent: Sunday, August 17, 2003 6:11 PM

To: Steven Cheng

Subject: RE: my 4th patent document

Hi, Steven,

Sorry. I haven't received any application form from you till now.

I don't think it is proper for me to deliver these documents to Irwin for his approval. First of all, your disclosure material is not complete, the cover page(application form) which discovers basic information of the inventor is not attached. I cannot send it to Irwin

Beside, I am not the window to pass your material to Irwin. We are located at different floor, it is not convenient for me to do that. I suggest you to find someone else (e.g. Celine Chen or Janet Liang or anyone works at BQT wireless team being suitable for a window between WTC and BQT). Then, you just send your documents and cover pages to her to get Irwin's approval quickly. Or, when Irwin has questions on your patent disclosure, she might answer for you or send back the message to you.

Please consider my suggestion. Thanks !! Regards,

Alex Teng

Date: 08/15/2003

Last revised date: 08/18/2003

Author: Steven D. Cheng (BenQ WTC, San Diego, California, USA)

Title: The Efficient Emergency Call (911) call processing System for mobile Users

### Background:

Many of the emergency call users have a strong chance to experience to long waiting time, due to the large volume of calls flushed into the existing 911 call centers at the same time. Many of the calls may have to wait for more than 1 hours. The emergency scenarios are quite different from call to call. How to quickly realize the emergency scenarios and dispatch the right assistance to the callers is the main topic of this invention.

#### Abbreviations:

MS: Mobile Station

PLMN: Public Line Mobile Network

#### TECHNICAL FIELD:

This invention relates to how to improve the Emergency call Processing issues.

#### PROBLEM:

Many of the emergency call users have a strong chance to experience to long waiting time, due to the large volume of calls flushed into the existing 911 call centers at the same time. According to the news reports, some of the calls even wait for more than several hours. Once the call is connected, the callers may have the problems to efficiently and precisely pass all the information to the operator for assistance. How to alleviate this potential long waiting emergency call scenarios and how to efficiently process the emergency calls is the main topic of this invention.

#### SOLUTION:

The current emergency calls are all related to the one-phase emergency call model: once the emergency call is connected, the caller uses the voice to communicate with the emergency call processing center operator. The operator will keep the communication with the caller until the emergency issue is resolved. Assume the call can't be connected: due to the calls can't be placed in the waiting queue, there is no way to guarantee that each call will be served in a First-come-first-serve order. In this case, some of the calls will experience the long waiting period of time. In this invention, we propose to use the data service for emergency services, too. The data service that included other crucial information beforehand can be filtered out from the voice calls, and can be handled in a multi-phase emergency call-model as explained later. Therefore, it will reduce the major traffic and help to alleviate the rest of the voice-based emergency calls waiting time issue. The data service is applied well to the mobile communication, such that it will not waste too significant battery energy, and this improvement is critical if the battery is low. The (data service based) multi-phase Emergency Call Model connects the personal information beforehand and update the location information in a periodic way. Thus, when the emergency call is connected, the related information will be passed to the Emergency Call Processing Center immediately. This will speed up the process used in each of this kind of phone calls, because the operators need to spend quite significant amount of time to collect the basic information related to this incoming call. At the same amount of time, if each operator can shorten her/his processing time, she/he will handle more calls. From the mobile user perspective, if the user can shorten the conversation time, the user's battery will last longer. The detailed description of the multi-phase emergency call model is explained in depth later in this invention document.

#### BRIEF DESCRIPTION OF THE DRAWING

\* N = 100-1000 calls,

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Figure 1 is a diagram illustrating the basic queueing model

Figure 2 is a diagram illustrating adding more Processing units to speed up the processing

Figure 3 is a diagram illustrating how to prioritize the emergency calls

Figure 4 is a diagram illustrating the proposed 2-phase emergency call model

Figure 5 is a diagram illustrating the proposed multi-phase emergency call model

#### DETAILED DESCRIPTION

### From the Queueing Model to realize the emergency call processing issues

As shown in Figure 1, when V<sub>processing</sub> is smaller than V<sub>arrival</sub>, the arrival requests will have to wait. The waiting ordering sequence is guaranteed only if the arrival request can fall inside the waiting buffer.

In the current Emergency call center design, the processing unit is handled mainly by human being and the waiting buffer is adopted using the traditional Telephone PBX kind of design. In some metropolitan areas, V pocessing are estimated by 1 to 3 minutes per phone call, and waiting buffer size, N (waiting buffer), is estimated ranged from 100 to 1000 [calls per minutes]. In order to handle such large volume of emergency call requests, the center usually provide multiple operators as shown in Figure 2 to speed up the processing speed. Even though, based on many studies, some of the calls still experience the long waiting period. This problem is even worse for the mobile users, due to the routing issues: that is, they may not be connected to the local police stations, instead, they will be connected to the regional mobile emergency call center.

In this paper, we present an untraditional way to alleviate this emergency call long waiting period problem for mobile users. Basically, rather than using the voice as the only means to communicate with the emergency call center, we propose the following way to deal with the same situation:

The mobile users will pass all of the available information associated with the mobile station (Cellular phones or other related devices) to the emergency center (through the data network rather than the voice network). The processing unit is replaced from the human being to the computer system that can analyze the voice, the image passed from the users, the location information, and other possible information. The mobile emergency data will be sent in a special format, such that it will cover most of the information that the emergency operator could like to collect before the operator dispatches this call to other assistance. Once the emergency call is transformed from voice to data, the corresponding data can be easily stored in the secondary memory such as the hard-discs and tape devices, and will be free from the waiting buffer overflow issues. The whole design on the multi-phase emergency call model is described in Figure 5.

The traditional emergency calls are processed in an interactive way or one-phase Emergency Call Processing model. The proposed approach processes the emergency calls in a callback manner as shown in Figure 4 and 5.1 In the traditional way, the operator needs to spend quite some time to understand what kind of scenarios the calling party belongs to, and then dispatch the emergency assistance. The proposed approach uses the computer artificial intelligent system to categorize the emergency call scenarios, and have the operator with some initial understanding of the particular scenario to call back to confirm the scenario. (Therefore, each individual operator's processing speed, \*\*Processing\*\* in increased tramatically. The proposed approach also assumes that all the emergency centers computer systems are virtually connected together and can access the waiting calls stored in the waiting buffers. Since the location information is available, the emergency calls don't need to route to the local Emergency Call Processing Center, and the same kind of emergency assistance can still be dispatched. Therefore, the proposed approach virtually increases the number of operators associated with the same center to a very large number and thus also increases the center processing speed, \*\*V<sub>processing</sub>\*\*.

Disorientation is a common problem for the emergency call users, and it takes a lot of time for the users to describe where they are located. The location information derived from the mobile station through the measuring of the neighbor cells and/or GPS can precisely report the location information at that time. In northern American, the E911 feature in a mandatory feature. The proposed approach is quite different from the E911 service, but does use the information used in the E911 service, but does use the information used in the E911 service.

The proposed approach requires all of the personal information such as the social security number for personal identification, the medical information, and other related information, to be stored into the mobile station if possible. When the user triggers such an emergency call, all the above information will also pass to the Emergency Call Processing Center if the scenario is related to the medical issues.

The cellular phones which supports the data services may have the camera device associated with it. If the camera device is available, either the user can shot several scenarios into the emergency call with data format. When the computer inside the Emergency Call Processing Center receives an incoming data call, the computer Artificial Intelligent system can further analyze these pictures and pass the information to the operator later. One possible scenario is a person that is bitten by a poisonous snake, and the victim can not name the snake. If this person can pass the image of the snake, the ambulance can bring the correct medicine to rescue this person.

Some of the emergency calls are life threatening, while others can be waited. How to prioritize these emergency calls is also a critical issue. In the proposed approach, the computer-based processing system can have some degree of intelligence to distinguish the emergency call scenarios and the operators will process the highest priority call first as shown in Figure 3.

The Proposed Multi-phase emergency call v.s. the traditional one-phase call

The traditional one-phase emergency call will hold up the operator until the emergency issue is resolved. The proposed multi-phase emergency as shown in Figure 4 and 5 will pass the emergency messages to the Emergency Call Processing Center first, and eventually will have the operator to call back to efficiently resolve the emergency issue. Therefore, the average time used in each emergency call by each operator can be decreased significantly.

In a multi-phase emergency call model, the caller will send the first message to register. Once the first message is being processed, the Emergency Call Processing Center will send a short message with registration ID back to the user to confirm that the emergency call is being processed. As mentioned before, each emergency may have different degree of emergency as shown in Figure 3, and the emergency center will give them different priority for later processing.

In a multi-phase emergency call model, right after the mobile station (cellular phone or other wireless devices) receives the confirmation messages, it changes to the automatic hand-shaking mode as shown in Figure 5. In this state, the emergency center will continue to collect some information such as the location information in an automatic way. The emergency center may request the mobile station to pass the current surrounding voices snapshots back to the center in an automatic way. The center may use this kind of data to further automatically analyze the caller's health condition if the emergency call is related to the injury or other health related condition. Thus, in this state, the center will use the interleaving approach to periodically communicate with the mobile station and/or its user.

In order to implement the above hand-shaking protocol in an efficient way, it requires the mobile station to have client software to be installed, or to have the future E911 services requirements to include this feature into it, so the cellular phone manufacturers will install this software by default. An emergency message used in the hand-shaking state in a multi-phase emergency call model will have a field for registration ID, and the emergency center's computer system can base on this field to bypass the Waiting procedure as shown in Figure 3.

# Distinguished the incoming voice calls and data calls in the emergency call processing center

The network protocols already can distinguish each of incoming calls and understand whether it is a voice call or an emergency call. If it is a voice call, then the existing PBX will signal the operator directly, otherwise, the PBX will route the current calls into the computer system. Therefore, the proposed multi-phase Emergency Call processing model can work with the existing one-phase Emergency Call processing model. Further, even the mobile station is operating in a data mode, the mobile station can still convert the voice into data format and embedded the voice information into the proposed emergency call message contents as shown in Figure 5.

#### Enhancements:

Battery life is the key factor to maintain the proposed protocol. In order to save the enough battery energy, we propose to have the cellular phone is changed to a special mode once the cellular phone receives the confirmation message from the emergency center. In this special mode or special Discontinuous Receiving Mode (DRX), the mobile station will not wake up until the DRX timer is expired. The DRX timer-out value will be given by the emergency center in an automatic way.

Compared with the traditional way, the proposed approach will not waste the extra battery energy, while the traditional way needs to hold up the connection between the mobile station and the emergency Call Processing Center, which will waste some considerable amount of battery energy. For a low-battery cellular phone, any action to decrease the waste of the battery energy will help the callers to keep the cellular communication working, and the proposed multi-phase model as shown in Figure 5 should work to the best results for this kind of situations.

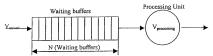


Figure 1: The basic queueing model

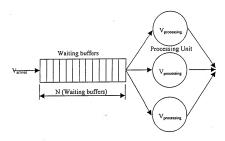
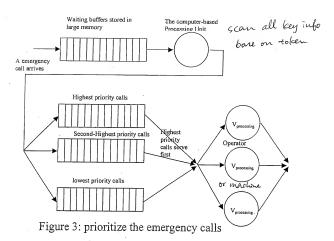


Figure 2: Adding more Processing units to speed up the processing speed



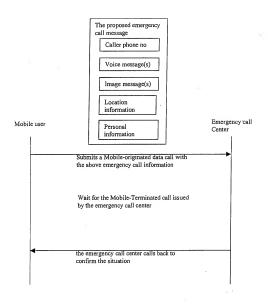


Figure 4: the proposed 2-phase emergency call model

adu: provitize calls by register

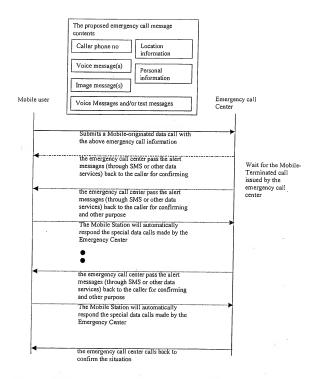
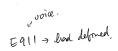


Figure 5: the proposed multi-phase emergency call model



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# 專利新案承辦單

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0535	A20227US	A0348	4		
立案日期	客戶名稱				
2003/11/20	明基電通股份有限公司				
	The Efficient Emergency Call (911) call				
聯絡人	processing c	узсеш	for mobile Users で話(分機)		
謝欣哲			03-3593195		
中請國別			申請種類		
美國					
發明人					
程德翔					
新註:			1		
CN,TW					

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寄件者:

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2004年2月4日星期三 PM 1:59

收件者:

'Jackey Hsieh'

副本:

張筠

丰昌.

A03484/0535-A20227US核稿及簽表格

重要性:

高









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OC (60 KB)

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POA-0535-A20227US.D Assign-0535-A20227US. Dec-0535-A20227US.D OC (41 KB)

Re: A03484/ 0535-A20227US

謝先生,您好:

檢附說明書含圖式,請核稿, 另附申請表格3 個請簽名、 本案台灣案尚在撰寫中, 承辦工程師: 張筠(分機701)

發信者:張瓊中 (分機312) 冠群國際專利商標聯合事務所

Tel: 886-2-2703.9911 Fax: 886-2-2755.2737

E-mail: phoebe chang@top-team.com.tw

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# 林育秀

寄件者: 寄件日期: 收件者: 張瓊中 2004年3月12日星期五 PM 2:54

作月75 客戶回稿FW: A03484/0535-A20227US核稿及簽表格

A03484E-1.doc (138

KB) Dear 秀秀, 請收文·

張瓊中 (分機312)

冠群國際專利商標聯合事務所

Te1: 886-2-2703.9911 Fax: 886-2-2755.2737

----Original Messa<del>ge-</del>

From: Jackey Hsich [mailtq:JackeyHsieh@BenQ.com]

Sent: Friday, March 12, 2004 2:49 PM

To: 張瓊中 Cc: 張筠

Subject: RE: A03484/ 0535-A20227US核稿及簽表格

如附件所示..送美國專利申請..謝謝

Jackey Hsieh 謝欣哲 Patent Engineer Tel: 03-359 3195 Fax: 03-359 3235

└--Original Message----

From: 張瓊中 [mailto:phoebe\_chang@top-team.com.tw]

Sent: Wednesday, February 04, 2004 1:59 PM

To: Jackey Hsieh

Cc: 張筠

Subject: A03484/ 0535-A20227US核稿及簽表格

Importance: High

<<A20227us-d1.doc>> <<POA-0535-A20227US.DOC>> <<Assign-0535-A20227US.doc>> <<Sec-0535-A20227US.DOC>>

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しからして

#### DECLARATION FOR PATENT APPLICATION

As the below named inventor(s), I/we hereby declare that:

My/our residence, post office address(es) and citizenship(s) are as stated below next to my/our name(s).

I'we believe that I'we are the original, first, and sole/joint inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled <u>CALL PROCESSING SYSTEM</u>, the specification of which:

is attached hereto.	
was filed on as Application Serial No	
was filed on under U.S. Express Mail No	
is set forth in PCT International Application No;	
filed on and as amended Under PCT Article 19 on	(if any

I/we hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I/we acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the fling date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I/we hereby claim foreign priority benefits under Title 35, United States Code, 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign	Country	Foreign Filing Date	Priority Claimed
Application Number(s)		(MM/DD/YYYY)	(Yes/No)

Please address all correspondence to:

Daniel R. McClure THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P. 100 Galleria Parkway, N.W., Suite 1750 Atlanta, Georgia 30339-5948

I/we hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole Inventor: Steven D. CHENG

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March 19, 2004 Via fax: 2 pages Fax No.: 1.770.951.0933 Confirmation via courier

Re: New Patent Application in U.S.A. Assignee: BENQ Corporation Title: CALL PROCESSING SYSTEM Your ref: not vet assigned Our ref: 0535-A20227-US

Please acknowledge receipt immediately via return

Dear Mr. McClure:

Enclosed is a patent application to be filed in U.S.A. by the deadline of April 2, 2004. Please file this application in accordance with the information detailed in the attached application data sheet.

Please file this application without making any amendment to the specification and claims. However, if you prefer to make some minor changes on the specification and claims before filing, please let us know before proceeding.

If your firm has a conflict in connection with representing our client in filing and prosecuting this application, please let us know immediately. Also, please note that in the absence of our instructions, this application must be kept in force.

Please let us know if anything further is required at this time.

Very truly yours. TOP TEAM INTERNATIONAL PATENT & TRADEMARK OFFICE



Enclosure: Application data sheet (1 page)

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